

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
CIVIL ACTION NO.: 5:05CV208**

AMAR BEY,

Plaintiff,

vs.

**UNITED PARCEL SERVICE, INC.
and TEAMSTERS LOCAL UNION NO. 71,**

Defendants.

ORDER

THIS MATTER is before the Court on a Complaint filed by Plaintiff *pro se*.¹ On June 3, 2005, Defendant Teamsters Local Union No. 71 (“Teamsters No. 71”) filed a Motion to Dismiss pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, seeking dismissal of the Complaint for failure to state a claim upon which relief can be granted.

It appears that Teamsters No. 71 may be entitled to a dismissal in this action as a matter of law. Therefore, the Plaintiff is directed to file a response as described below:

**TO THE PLAINTIFF, AMAR BEY, READ THE FOLLOWING VERY
CAREFULLY:**

You are to file a brief written argument, opposing Teamsters No. 71 memorandum supporting its Motion to Dismiss.

Within fourteen (14) days of the date of entry of this Order, Plaintiff must submit the response to Teamsters No. 71's Motion to Dismiss or request an extension of the deadline.

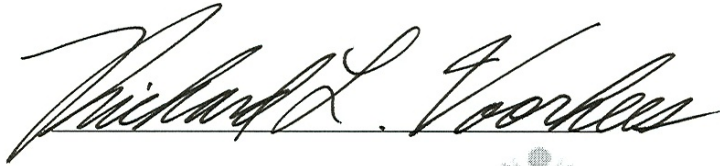
¹Plaintiff initially filed his Complaint, titled “Violation of Constitutional, Civil Rights and Discrimination,” on May 2, 2005, in the Superior Court Division of the Iredell County, North Carolina General Court of Justice. On June 2, 2005, pursuant to 28 U.S.C. §§ 1331, 1337, 1441, and 1443, Defendant Teamsters Local Union No. 71 removed the action to this Court.

You are hereby advised that you have fourteen (14) days from the filing of this Order in which to file your response to the Motion to Dismiss. If you fail to respond to this Motion, the Court will proceed to decide the matter. A copy of the response must be served on Teamsters No. 71 and a certificate of service must be filed with the Court showing that a copy has been sent to counsel for the Defendant Teamsters No. 71.

IT IS, THEREFORE, ORDERED that Plaintiff has fourteen (14) days from the filing of this Order in which to respond to Teamsters No. 71's Motion to Dismiss.

The Clerk is directed to certify copies of this Order to Plaintiff and counsel for Defendant Teamsters No. 71. The Clerk is specifically directed to send Plaintiff's copy by **certified mail, return receipt requested**.

Signed: December 13, 2005

A handwritten signature in black ink, reading "Richard L. Voorhees". The signature is written in a cursive style with a horizontal line underneath the name.

Richard L. Voorhees
United States District Judge



